



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
10/08/99	10/08/99	ARMSTRONG	B

10/08/99
10/08/99
10/08/99
10/08/99

QM21/1008

EXAMINER
PARADISE

ART UNIT	PAPER NUMBER
2/12	3

DATE MAILED: 10/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Interview Summary

Application No.
08/942,450

Applicant(s)
ARMSTRONG

Examiner
John Paradiso

Group Art Unit
3713



All participants (applicant, applicant's representative, PTO personnel):

(1) John Paradiso, Examiner

(3) _____

(2) Brad Armstrong, Applicant

(4) _____

Date of Interview Oct 7, 1999

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: 1

Identification of prior art discussed:

INOUE ET AL, RUTLEDGE ET AL

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant explained that 1) the obviousness rejections made in the First Action on the Merits were based on hindsight reasoning, since neither INOUE ET AL nor RUTLEDGE ET AL show any suggestion to combine; 2) since the field of search of INOUE ET AL did not include the art of RUTLEDGE ET AL, the references are nonanalogous art; 3) addition of RUTLEDGE ET AL would not be an improvement to INOUE ET AL since it is so much more complex than the instant invention; 4) Applicant has shown commercial success with the instant invention; 5) if it was indeed obvious to improve INOUE ET AL with the teaching of RUTLEDGE ET AL, it would already have been done. Examiner disagreed with the arguments. Examiner also pointed out specific facets of the invention not claimed (carbon pellet construction, etc.). Applicant will submit a formal response detailing these arguments and possibly others.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner John Paradiso

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.